

CMPMO No.265 of 2006.

12.9.2007. Present: Mr. Ajay Kumar, Advocate, for the petitioner.

Mr. Vinod Gupta, Advocate, for the respondent.

The parties have come to terms. They have arrived at an agreement. Based on this agreement, the following agreed order is passed and the petition accordingly is disposed of on that basis.

1. Mr. Kuldip Thakur, Advocate, Jogindernagar is appointed as a Court Commissioner with directions to him to identify with reference to the case file the shop forming the subject matter of the suit and the temporary injunction application pending in the Court of Civil Judge (Junior Division), Jogindernagar. For this purpose, the learned Court below is directed to make available to him the record of the case for his inspection in the Court itself.
2. After thus identifying the shop, the Court Commissioner shall open the shop, even if for doing so he has to break open the locks. After opening of the shop, he shall prepare an inventory of the articles lying there and thereafter hand over the possession of the shop to the petitioner.
3. If the Court Commissioner finds that in executing this Commission he needs police help, he shall hand over a

written communication to the S.H.O., Police Station, Jogindernagar, who on receipt thereof shall detail adequate number of policemen to ensure that the Commissioner is not prevented by anyone in any manner from executing this Commission.

4. The fee of the Commissioner is fixed at Rs.2,000/- which shall be paid to him in equal shares by both the parties.
5. The Commission shall be executed and the entire task completed before 31st October, 2007.

Mr. Ajay Kumar, learned counsel appearing for the petitioner undertakes to serve the copy of this order upon the Commissioner.

Dasti copy on usual terms.

12th September, 2007.
(tr)

(V.K. Gupta), C.J.